

## 2013 DRAFTING REQUEST

### Bill

Received: 9/11/2013 Received By: mshovers  
Wanted: As time permits Same as LRB:  
For: Dianne Hesselbein (608) 266-5340 By/Representing: Susan  
May Contact: Drafter: mshovers  
Subject: Education - school boards Addl. Drafters: pgrant  
Local Gov't - counties  
Local Gov't - munis generally Extra Copies: TTK, EVM, RAC, CMH

Submit via email: YES  
Requester's email: Rep.Hesselbein@legis.wisconsin.gov  
Carbon copy (CC) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Give just cause protection to local government and school district employees

---

### Instructions:

See attached. Local gov't and school district employees may not be disciplined without just cause.  
Based on state law provisions in s. 230.34 (1)

---

### Drafting History:

| <u>Vers.</u> | <u>Drafted</u>      | <u>Reviewed</u>       | <u>Typed</u>          | <u>Proofed</u> | <u>Submitted</u>      | <u>Jacketed</u>      | <u>Required</u> |
|--------------|---------------------|-----------------------|-----------------------|----------------|-----------------------|----------------------|-----------------|
| /P1          | pgrant<br>1/17/2014 | csicilia<br>1/22/2014 | rschluet<br>1/22/2014 | _____          | lparisi<br>9/18/2013  |                      | State<br>S&L    |
| /1           |                     |                       |                       | _____          | sbasford<br>1/22/2014 | mbarman<br>1/28/2014 | State<br>S&L    |

FE Sent For:

*at intro  
2/20*

<END>



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| /1           |                     |                       |                      | _____          | sbasford<br>1/22/2014 |                 | State<br>S&L    |

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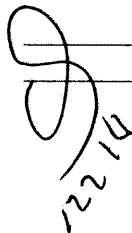
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|--------------|-----------------------|-----------------------|----------------------|---|----------------------|-----------------|-----------------|
| /P1          | mshovers<br>9/11/2013 | csicilia<br>9/18/2013 | jmurphy<br>9/18/2013 |  | lparisi<br>9/18/2013 |                 | State<br>S&L    |

FE Sent For:

1 gs 1/22  
13 <END> 12/10 JH

# 2013 DRAFTING REQUEST

## Bill

|              |  |                  |                    |
|--------------|--|------------------|--------------------|
| Received:    | 9/11/2013  | Received By:     | mshovers           |
| Wanted:      | As time permits  | Same as LRB:     |                    |
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| May Contact: |  | Drafter:         | mshovers           |
| Subject:     | Education - school boards<br>Local Gov't - counties<br>Local Gov't - munis generally | Addl. Drafters:  | pgrant             |
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## Pre Topic:

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## Topic:

Give just cause protection to local government and school district employees

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See attached. Local gov't and school district employees may not be disciplined without just cause.  
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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|

/P1 mshovers

/P1 ijs 9/18  
 13 gm 9/18  
 1/P1 MES 8/16  
 gm + P1  
 9/18

FE Sent For:

<END>

## **Shovers, Marc**

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**From:** Champagne, Rick  
**Sent:** Thursday, September 05, 2013 10:36 AM  
**To:** Shovers, Marc; Grant, Peter; Kuczenski, Tracy; Mueller, Eric  
**Cc:** Hanaman, Cathlene  
**Subject:** FW: Bill drafting request

It looks like Rep. Hesselbein would like the same protections that are afforded state employees under s. 230.34 (1) applied to other governmental employees. I am not sure how you would handle the appeals issue, but I would imagine that there are processes already in place for most governmental employers. You could certainly have the appeals go to the WERC. Cathlene could help you with this.

---

**From:** Meinholz, Susan  
**Sent:** Thursday, September 05, 2013 10:16 AM  
**To:** Champagne, Rick  
**Subject:** RE: Bill drafting request

Yes, perfect. Thank you.

---

**From:** Champagne, Rick  
**Sent:** Thursday, September 05, 2013 9:55 AM  
**To:** Meinholz, Susan  
**Subject:** RE: Bill drafting request

So, our focus will be on non-state public employees, since the state already has this protection for its employees in the classified service?

---

**From:** Meinholz, Susan  
**Sent:** Thursday, September 05, 2013 9:34 AM  
**To:** Champagne, Rick  
**Cc:** Shovers, Marc; Grant, Peter; Kuczenski, Tracy; Mueller, Eric  
**Subject:** RE: Bill drafting request

Thanks, Rick. We are definitely looking to expand the civil service-like protections to other public employees such as school districts and local governments. No specific problem to remedy, but due to union protections being dissolved, would like to try to maintain a level of security. Do you need more details, or is this good enough to start?

---

**From:** Champagne, Rick  
**Sent:** Thursday, September 05, 2013 7:00 AM  
**To:** Meinholz, Susan  
**Cc:** Shovers, Marc; Grant, Peter; Kuczenski, Tracy; Mueller, Eric  
**Subject:** RE: Bill drafting request

Hi Sue:

In the state civil service system, under current law in s. 230.34 (1), no employee who has attained permanent status in class may be removed, suspended without pay, discharged, reduced in base pay or demoted without just cause. If an employee believes that he or she has been removed, suspended without pay, discharged, reduced in base pay or demoted without just cause, then that decision may be appealed to the Employment Relations Commission and heard by the commission under s. 230.44 (1)(c). So I think for the state this is already law, at least with respect to classified civil service employees. Unclassified employees do not have civil service protections, however, as they are usually, with exceptions, political appointees.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3132/P1  
MES&PG

soon

gsm  
js

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-NOT

gen cat

commission established  
by a 1st class city  
(currently only  
Milwaukee)

- 1 AN ACT ...; relating to: requiring a local governmental unit to create a civil  
2 service system with a just cause standard of discipline for its employees.

**Analysis by the Legislative Reference Bureau**

Under current law, a local governmental unit (which includes a city, village, town, county, school district, and sewerage district) may establish a civil service system that governs issues related to the selection, tenure, and status of most of its governmental employees. A local governmental unit that does not have a civil service system must have a grievance system ~~which~~ addresses employee termination and discipline, and workplace safety. <sup>that</sup> ~~that~~ <sup>other than a sewerage</sup>

Under this bill, local governmental units <sup>that</sup> must establish a civil service system by January 1, 2015, ~~which~~ provides that an employee with permanent status in class may be removed, suspended without pay, discharged, reduced in base ~~pay~~, or demoted only for just cause. This provision is similar to a provision in current law ~~which~~ applies to state employees in the classified service with permanent status in class and to certain assistant district attorneys. <sup>e pay</sup>

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

- 3 SECTION 1. 66.0509 (1r) of the statutes is created to read:

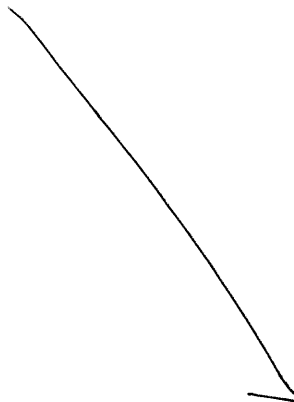
**SECTION 1**

1

(660509 (1r)

2

(END)





~~SEC. # CR. 66.0509 (1r)~~ (a)

⑨

66.0509 (1r)

Except as provided in par. (b), a

local governmental unit,

66.0131 (1) (a)

as defined in s. 66.0131 (1) (a), shall

establish a civil service system by January

1, 2015. (c) The civil service system shall

include the provisions under sub. (1m) (c)

and (d), unless explicitly provided otherwise by statute

that an employee with permanent status

in class, as defined in the system, may

be removed, suspended without pay,

discharged, reduced in <sup>base</sup> base pay, or

demoted only for just cause.

⑩

(b)

metropolitan sewerage district created under subch. II of ch. 200, ~~insert~~

Paragraph (a) does not apply to a

~~END~~

~~66.0509~~

~~END~~

Section #. 66.0509 (4) of the statutes is amended to read:

66.0509 (4) Any civil service system established under the provisions of this section shall provide for the appointment of a civil service board or commission and for the removal of the members of the board or commission for cause by the mayor with approval of the council, by the city manager and the council in a city organized under ss. 64.01 to 64.15, ~~and~~<sup>↓</sup> by the board in a village or town.

History: 1971 c. 152 s. 38; 1971 c. 154, 211; 1977 c. 196; 1983 a. 532; 1985 a. 225; 1991 a. 101; 1993 a. 246; 1999 a. 150 s. 310; Stats. 1999 s. 66.0509; 2005 a. 22; 2011 a. 10.

by the board of a county to which subch. I of  
ch. 63 does not apply, and by the governing body  
of a special purpose district

✓

(END)

O-NOER

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3132/P1dn

MES&P(3).....

STET

*- late -*

Rep. Hel<sup>SS</sup>elbein:

Please review this draft to ensure that it is consistent with your intent. It is based on s. 230.34 (1), stats., which applies to state employees. Would you like the "just cause" provision to be any more specific? One option would be to add a cross-reference to current law just cause provisions that apply to local law enforcement personnel. See, for example, ss. 59.26 (8) (b) 5m, 62.13 (5) (em), and 62.50 (17) (b). *Also, I created* ✓

Marc E. Shovers  
Managing Attorney  
Phone: (608) 266-0129  
E-mail: marc.shovers@legis.wisconsin.gov

66.0509 (1r) (b)  
§. 66.0509 (1r) (b) to be ~~consistent~~ *consistent* with ~~§. 200.51~~ *§. 200.51 (1) and*  
current law. Is this consistent with *(3) of*  
your intent?

*continued*



(DN) cont.

(H)

Sections 118.22 and 118.24 provide for one-year and two-year contracts for teachers and school administrators. Do you want to exempt them from the school districts civil service system, or should those provisions be repealed?

PG ←

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3132/P1dn  
MES&PG:cjs:jm

September 18, 2013

Rep. Hesselbein:

Please review this draft to ensure that it is consistent with your intent. It is based on s. 230.34 (1), stats., which applies to state employees. Would you like the "just cause" provision to be any more specific? One option would be to add a cross-reference to current law just cause provisions that apply to local law enforcement personnel. See, for example, ss. 59.26 (8) (b) 5m., 62.13 (5) (em), and 62.50 (17) (b). Also, I created s. 66.0509 (1r) (b) to be consistent with s. 200.51 (1) and (3) of current law. Is this consistent with your intent?

Marc E. Shovers  
Managing Attorney  
Phone: (608) 266-0129  
E-mail: marc.shovers@legis.wisconsin.gov

Sections 118.22 and 118.24 provide for one-year and two-year contracts for teachers and school administrators. Do you want to exempt them from the school district's civil service system, or should those provisions be repealed?

Peter R. Grant  
Managing Attorney  
Phone: (608) 267-3362  
E-mail: peter.grant@legis.wisconsin.gov

## Grant, Peter

---

**From:** Meinholz, Susan  
**Sent:** Friday, January 17, 2014 10:15 AM  
**To:** Shovers, Marc; Grant, Peter  
**Subject:** LRB-3132/P1

Rep. Hesselbein has been meeting with interested parties on the just cause legislation she had drafted with your assistance.

In response to drafter's notes:

Marc's:

Leave out the cross-reference to current law just cause provisions for now  
Fine for the creation of 66.0509...

Peter's:

There is a desire to not exempt teachers or administrators from a district's civil service system/requirement, nor do they want the statute repealed.

Changes to the current draft:

1--Need to address a problem with some school districts terminating teachers by non-renewing the teacher's contract, then claim it is not dismissal, that the just cause standard does not apply. Therefore, would like the just cause standard to pertain to discipline, dismissal and non-renewal of a teacher's contract.

2-- Another concern raised was that impartial hearing officers are not always qualified individuals. To address this, we would like to add language in the bill specifying that the impartial hearing officer must be mutually agreed to by the parties. Suggested wording: "The system shall include a grievance procedure that provides for a hearing before an impartial hearing officer mutually agreed to by the parties."

Hopefully this is clear to you. Let me know if you need more information. Thank you.

Sue Meinholz  
Office of Rep. Dianne Hesselbein  
79<sup>th</sup> Assembly District  
Room 9 North, State Capitol  
PO Box 8952  
Madison, WI 53708  
608-266-5340  
[Susan.meinholz@legis.wi.gov](mailto:Susan.meinholz@legis.wi.gov)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3132/P1  
MES&PG:cjs:jm

stays

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

FS #115  
OK  
RJR

Ger Cat

- 1 AN ACT *to amend* 66.0509 (4); and *to create* 66.0509 (1r) of the statutes;  
2 **relating to:** requiring a local governmental unit to create a civil service system  
3 with a just cause standard of discipline for its employees.

***Analysis by the Legislative Reference Bureau***

Under current law, a local governmental unit (which includes a city, village, town, county, school district, and sewerage district) may establish a civil service system that governs issues related to the selection, tenure, and status of most of its governmental employees. A local governmental unit that does not have a civil service system must have a grievance system that addresses employee termination and discipline and workplace safety.

Under this bill, local governmental units, other than a sewerage commission established by a 1st class city (currently only Milwaukee), must establish a civil service system by January 1, 2015, that provides that an employee with permanent status in class may be removed, suspended without pay, discharged, reduced in base pay, or demoted only for just cause. This provision is similar to a provision in current law that applies to state employees in the classified service with permanent status in class and to certain assistant district attorneys. (A)

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

you have his or her contract nonrenewed

## SECTION 1

**SECTION 1.** 66.0509 (1r) of the statutes is created to read:

66.0509 (1r) (a) Except as provided in par. (b), a local governmental unit, as defined in s. 66.0131 (1) (a), shall establish a civil service system by January 1, 2015.

The civil service system shall include the provisions under sub. (1m) (c) and (d) unless explicitly provided otherwise by statute. The system shall also provide that an employee with permanent status in class, as defined in the system, may be removed, suspended without pay, discharged, reduced in base pay, or demoted only for just cause.

(b) Paragraph (a) does not apply to a metropolitan sewerage district created under subch. II of ch. 200.

**SECTION 2.** 66.0509 (4) of the statutes is amended to read:

66.0509 (4) Any civil service system established under the provisions of this section shall provide for the appointment of a civil service board or commission and for the removal of the members of the board or commission for cause by the mayor with approval of the council, by the city manager and the council in a city organized under ss. 64.01 to 64.15, ~~and, by the board in a village or town, by the board of a county to which subch. I of ch. 63 does not apply, and by the governing body of a special purpose district.~~

**(END)**

and shall include

a grievance procedure that provides for a hearing before an impartial hearing officer mutually agreed to by the parties,



(m91) The bill also <sup>(A)</sup> ~~provides~~ <sup>requires</sup> that the  
civil <sup>service</sup> system include a grievance  
procedure that provides for a hearing  
before an impartial hearing officer  
mutually mutually agreed to by the  
parties parties.

**Barman, Mike**

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**From:** Meinholz, Susan  
**Sent:** Tuesday, January 28, 2014 12:15 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -3132/1 Topic: Give just cause protection to local government and school district employees

Please Jacket LRB -3132/1 for the ASSEMBLY.